

UNITED STATES DISTRICT COURT
for the

Eastern District of North Carolina

United States of America

v.

Marvin Wilbert Powell

)

Case No: 5:04-CR-356-1F

)

USM No: 24938-056

)

Date of Original Judgment: January 18, 2006

)

Date of Previous Amended Judgment: May 28, 2008

)

(Use Date of Last Amended Judgment if Any)

Alan DuBois, Assistant Federal Public Defender

Defendant's Attorney

ORDER REGARDING MOTION FOR SENTENCE REDUCTION
PURSUANT TO 18 U.S.C. § 3582(c)(2)

Upon motion of the defendant the Director of the Bureau of Prisons the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion, and taking into account the policy statement set forth at USSG §1B1.10 and the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable,

IT IS ORDERED that the motion is:

DENIED. GRANTED and the defendant's previously imposed sentence of imprisonment (*as reflected in the last judgment issued*) of 240 months is reduced to 235 months, concurrent, on Counts 1 and 2, 60 months, concurrent, on Count 3, and 120 months, concurrent, on Count 5; Count 4 remains 60 months, consecutive.

If the amount of time the defendant has already served exceeds this sentence, the sentence is reduced to a "Time Served" sentence, subject to an additional period of up to ten (10) days for administrative purposes of releasing the defendant.

(Complete Parts I and II of Page 2 when motion is granted)

Except as otherwise provided, all provisions of the judgment(s) dated January 18, 2006, and May 28, 2008 shall remain in effect. **IT IS SO ORDERED.**

Order Date:

4/1/16



Judge's signature

Effective Date:

(if different from order date)

James C. Fox Senior U.S. District Judge

Printed name and title